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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/550,249 | 09/23/2005 | Stephan Fazeny | FAZENY-1 (PCT) | 1888 |
| 25889 | 7590 | 03/28/2008 | EXAMINER | |
| COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576 | | | EVANS, GEOFFREY S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1793 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/550,249 | Applicant(s) FAZENY, STEPHAN | |
| | Examiner Geoffrey S. Evans | Art Unit 1793 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050923</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The abstract of the disclosure is objected to because of the inclusion of legal phraseology (the words "means" (on lines 2, 5, 6, and 7), "comprising" (on line 2) "whereby" (on line 2) and the phrase "the invention" is superfluous in an abstract for a patent. Correction is required. See MPEP § 608.01(b).
2. In the Information Disclosure Statement submitted 23 September 2005, no copy of DE 19715702 is present in the Image File Wrapper (IFW). Therefore this reference has not been considered in accordance with 37 CFR 1.98(a)(2)(i).
3. The drawings are objected to because in figure 2 the rectangular box identified as 68 requires labeling, in figure 6 the rectangular boxes identified as elements 6,7,51, and 68 require labeling (see 37 CFR 1.83(a)). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

Art Unit: 1793

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 it is unclear how much weight should be given to parenthetical expressions such as “in particular in an XY plane”. In claim 27 the language “for example” on line 4 renders all of claim 27 indefinite. See MPEP Section 2173.05(c) and 2173.05(d). Please revise the claims in view of these MPEP sections to clarify the claim language.

5. Claims 1-3,15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo in U.S. Patent No. 5,003,153 in view of Hedgecoth in U.S. Patent No. 5,460,757, Yasoshima in U.S. Patent No. 5,601,644 and Yip in U.S. Patent Application Publication No. 2006/0266239. Kondo discloses a laser cutting apparatus for working rubber to form stamps (see column 1, lines 6-14) by scanning the laser beam onto the workpiece but not a multicolor stamp pad. Hedgecoth in U.S. Patent No. 5,460,757 teaches using a computer to control engraving of the stamp pad. Yasoshima teaches a multicolor stamp pad with gaps between the several pad parts. Yip teaches using a laser beam to cut discrete stamp pad parts (see paragraph 36). It would have been obvious to adapt Kondo in view of Hedgecoth to provide computer control over the laser cutting of the stamp pad, to further cut with a laser beam (as taught by Yip) to create

gaps between the stamp pad parts (which is taught as desirable by Yasoshima in order to prevent different color inks from mixing).

6. Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo in view of Hedgecoth, Yasoshima and Yip as applied to claim 1 above, and further in view of Tanigawa in Japan Patent No. 9-30097. Tanigawa teaches injecting ink onto a multicolor stamp pad (see paragraph 18) of different colors, and using multiple dispensers. It would have been obvious to adapt Kondo in view of Hedgecoth, Yasoshima, Yip and Tanigawa to provide this to more quickly supply ink to a multicolor stamp pad.

7. Claims 14 and 26-44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kitahara et al. in Japan Patent No. 2001-205,911 discloses laser cutting (see paragraph 15) between sections of a color stamp. Luppio in France Patent No. 2,675,740 discloses using plastic strips to separate a number of precut pre-inked pads (2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S. Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 7:00AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571)-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey S Evans/

Primary Examiner, Art Unit 1793